



Entered on Docket
February 14, 2007

Hon. Linda B. Riegler
United States Bankruptcy Judge

STUTMAN, TREISTER & GLATT, P.C.
FRANK A. MEROLA
(CA State Bar No. 136934)
EVE H. KARASIK
(CA State Bar No. 155356)
ANDREW M. PARLEN
(CA State Bar No. 230429)
1901 Avenue of the Stars, 12th Floor
Los Angeles, CA 90067
Telephone: (310) 228-5600
E-mail: fmerola@stutman.com
ekarasik@stutman.com
cpajak@stutman.com

SHEA & CARLYON, LTD.
JAMES PATRICK SHEA
(Nevada State Bar No. 000405)
CANDACE C. CARLYON
(Nevada State Bar No. 002666)
SHLOMO S. SHERMAN
(Nevada State Bar No. 009688)
228 South Fourth Street, First Floor
Las Vegas, Nevada 89101
Telephone: (702) 471-7432
E-mail: jshea@sheacarlyon.com
ccarlyon@sheacarlyon.com
ssherman@sheacarlyon.com

*Counsel for the Official Committee of Equity Security Holders of
USA Capital First Trust Deed Fund, LLC*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:) BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY) Chapter 11
Debtor)

In re:) BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,) Chapter 11
Debtor)

In re:) BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,) Chapter 11
Debtor.)

In re:) BK-S-06-10729-LBR
USA SECURITIES, LLC,) Chapter 11
Debtor.)

Affects)
☐ All Debtors)
☐ USA Commercial Mortgage Co.)
☐ USA Securities, LLC) DATE: N/A
☐ USA Capital Realty Advisors, LLC) TIME: N/A
☐ USA Capital Diversified Trust Deed)
☒ USA First Trust Deed Fund, LLC)

**STIPULATION AND ORDER FOR WITHDRAWAL WITH PREJUDICE OF CLAIM
NO. 48 FILED BY WILLIAM MCPHERSON AND DAVID MCPHERSON SR.
TRUSTEES THE WILLIAM AND RUBY MCPHERSON TRUST DTD 5/5/93
(AFFECTS USA CAPITAL FIRST TRUST DEED FUND LLC)**

The Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee") appointed in the above-captioned bankruptcy cases (the "Chapter 11 Cases"), hereby stipulates with "William McPherson and David McPherson Sr. Trustees the William and Ruby McPherson Trust DTD 5/5/93," and "William McPherson and David McPherson" (collectively "Claimants") as follows (the "Stipulation"):

1. On or about September 22, 2006, claimant "William McPherson and David McPherson Sr. Trustees The William and Ruby McPherson Trust DTD 5/5/93" filed claim number 48 (Claim #48), asserting an unsecured claim in the amount of \$10,000.00 against USA Capital First Trust Deed Fund, LLC ("FTDF"). The supporting documentation for Claim #48 references FTDF account number 2549, and includes an "Account Transaction Summary" reflecting an account value of \$10,000.00 as of March 1, 2006.

2. On or about September 22, 2006, claimant "William McPherson and David McPherson" filed claim number 100 ("Claim #100"). Claim #100 is a duplicate of Claim #48 in every respect, asserting the identical amount of \$10,000.00 against FTDF, referencing the identical FTDF account number 2549, and including an identical Account Transaction Summary as of March 1, 2006.

3. Claimants have acknowledged that Claim #48 is a duplicate of Claim #100 and have therefore agreed to withdraw Claim #48.

WHEREFORE, based upon the above Stipulation, the parties hereby agree, and request that the Court approve the Stipulation as an order of the Court pursuant to Fed. R. of

1 Bankr. P. 3006 as follows:

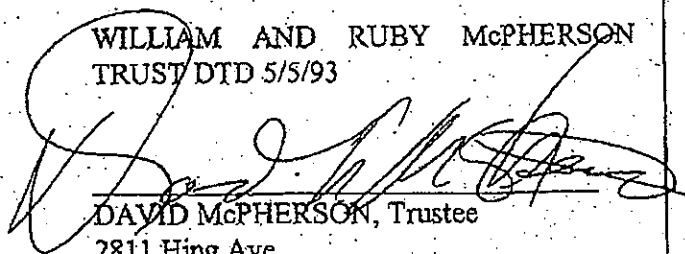
2 A. Claim #48 filed by "William McPherson and David McPherson Sr. Trustees The
3 William and Ruby McPherson Trust DTD 5/5/93" against FTDF is hereby withdrawn with
4 prejudice.

5 B. Nothing herein shall affect Claim #100 filed by claimant "William McPherson
6 and David McPherson" against FTDF or any other claim filed by any of the Claimants in any
7 other bankruptcy case.


8 C. This Stipulation is without prejudice to the rights of the FTDF Committee or
9 any other party in interest to file a timely objection(s) to Claim #100 filed by "William
10 McPherson and David McPherson" at a later date.

11 DATED this 7 day of February, 2007.

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13
14 WILLIAM AND RUBY McPHERSON
TRUST DTD 5/5/93

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18 DAVID McPHERSON, Trustee
2811 Hing Ave.
Sacramento, CA 95822-4571

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20 SHEA & CARLYON, LTD.

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22 JAMES PATRICK SHEA
23 CANDACE C. CARLYON
24 SHLOMO S. SHERMAN
233 South Fourth Street, Second Floor
Las Vegas, Nevada 89101

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STUTMAN, TREISTER & GLATT, P.C.
FRANK A. MEROLA
EVE H. KARASIK
ANDREW M. PARLEN
1901 Avenue of the Stars, 12th Floor
Los Angeles, CA 90067

Counsel for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund, LLC